

**REMARKS**

In the Office Action, the Examiner rejected claims 1-44 citing several references and specific passages, which the Applicants carefully reviewed and analyzed in light of the recited claims. The Applicants amended claims 1, 4, 7-8, 13, 15, 17-24, 26, 28-29, 32-36, and 40-43 to ensure proper antecedent basis, to clarify the unique aspects of the present technique, and to expedite prosecution of the present application. Specifically, Applicants amended the foregoing claims to clarify that the service requests, the electronic message, the service message, the return electronic message, the service request messages, the acknowledgment messages, and the exchanged data all relate to *operational servicing* of the medical diagnostic system or systems. The Applicants have not added any new matter in this response, and the Applicants believe the claims to be in condition for allowance.

In some of the foregoing rejections, the Examiner argued that several unique features of the present claims are allegedly “well known in the art.” The Applicants seasonably traverse the Examiner’s use of Official Notice and maintain that the pending claims are patentable over the cited references taken alone or in combination. The Applicants also respectfully request the Examiner to cite specific references, passages or figures to support the contention that certain elements are allegedly *suggested* by the references and, also, to provide support under M.P.E.P. § 2144.03 for the explicit and apparent assertions that certain elements are “well known in the art.”

Accordingly, the Applicants respectfully request reconsideration of the present application in light of the foregoing amendments and following remarks.

**Rejections Under 35 U.S.C. § 112**

Claims 4 and 35 were rejected under 35 U.S.C. §112 for lack of antecedent basis. The Examiner specifically objected to the elements “the service data” and “the service

center" in claims 4 and 35, respectively, for lack of antecedent basis. As noted above, Applicants amended claims 4 and 35 to ensure proper antecedent basis and to clarify the elements recited in the claims. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of the foregoing claims under 35 U.S.C. § 112.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-4, 6, 8 and 11-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Jago et al. (US 5,938,607). A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each recitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. As discussed in detail below, the references cited by the Examiner do not teach or suggest *service requests* or communications relating to *operational servicing* of one or more medical diagnostic systems.

### **Claims 1-4, 6, 8 and 11-13:**

Claims 1-4, 6, 8 and 11-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Jago et al. (US 5,938,607).

Regarding independent claim 1, the Examiner specifically stated:

Claim 1, Jago discloses a system for servicing a medical diagnostic apparatus (system 300, fig.2) comprises a diagnostic apparatus (system 10, Fig.1; system 200, 202, Fig.2), including a service server (an HTTP server 30, browser 100, fig.1) for originating a service request and a network communication module for transmitting the service request (TCP/IP module 46, Ethernet connection module 50, fig.1).

Jago further discloses a service facility remote from the diagnostic apparatus (hospital, which includes physician, locates remotely from the diagnostic apparatus, fig.2; Col.9, lines 49-58). The facility includes a network server fro(*sic*) receiving the service request and exchange data

with the apparatus in response to the service request (servers 400, 500) communicate with the apparatus (200, 202)). Paper No. 3, pp. 2-3.

The Applicants carefully reviewed the Jago et al. reference, and specifically the passages recited by the Examiner, but found the reference absolutely devoid of any teaching or suggestion of *operational servicing* of the medical diagnostic system via *service requests* and communications between the diagnostic apparatus and a service facility, as recited in claim 1. As noted above, claim 1 recites "a service request for operational servicing of the diagnostic apparatus." The Jago et al. reference is limited to techniques for *treating or diagnosing patients*. Col. 7, lines 63-66. For example, communications disclosed by Jago et al. relate to patient diagnostic information, demographics, and patient exam reports. Col. 8, line 49 - Col. 9, line 16. Moreover, the reference image library 400 and the hospital information system (HIS) or radiology information system (RIS) 500 are not equivalent to the presently recited service facility, nor do these systems teach or suggest a service facility related with *operational servicing* of medical diagnostic systems. Col. 9, line 49 - Col. 10, line 15. The systems 400 and 500 relate to patient exams rather than *operational servicing* of the diagnostic apparatus, as recited in claim 1. Col. 10, lines 12-15. Although Applicants maintain that claim 1 recites various other patentably distinct features, the foregoing features are believed to distinguish claim 1 over the Jago et al. reference and the other references cited by the Examiner.

Regarding dependent claims 2-4 and 6, the Applicants stress that these claims are patentably distinct by way of their dependencies on independent claim 1 and by way of further unique features recited in each respective claim. For example, the "network browser user interface for defining the service request" recited by claim 2 relates to *operational servicing* of the diagnostic apparatus. In contrast, the browser 100 disclosed by Jago et al. is provided for exchanging *patient exam information*. Col. 8, lines 49-57. Referring now to claim 3, Applicants again stress that the systems 400 and 500 do not

relate to operational servicing or *operational parameters* of the diagnostic apparatus, as recited in claim 3. The information stored in systems 400 and 500 relates only to *patient exams and diagnosis of patients*. Col. 10, lines 12-15. The Examiner also contends that Jago et al. *inherently teaches* "data representative of a diagnostic apparatus type and location," as recited in claim 4. Applicants traverse this inherent teaching argument and respectfully stress that Jago et al. catalogs prior *patient exams* according to *exam categories*, but does *not* teach or suggest cataloging a *diagnostic apparatus type and location*. These features are not believed to be inherent in the Jago et al. reference, because the Jago et al. reference is directed toward patient exams and records rather than operational servicing of the diagnostic apparatus, as recited in the present claims. Similarly, the messaging circuit recited in claims 6 also relates to *operational servicing* of the diagnostic apparatus.

Regarding independent claim 8, the Examiner summarily stated that the claim "recites an apparatus having similar limitations as discussed in claim 2." As discussed above, claim 2 depends from independent claim 1, which recites "a service request for operational servicing of the diagnostic apparatus." Claim 8 specifically recites "a plurality of medical diagnostic systems" comprising "an operator interface for initiating service requests for operational servicing of the diagnostic system." As discussed above, the communications, stored data and browser disclosed by Jago et al. all relate to *patient exams and patient diagnosis*. In no way do these features teach or suggest the unique features of the present claims, such as the operator interface and the service requests, which are associated with *operational servicing* of the diagnostic system. Similarly, dependent claims 11-13 are patentably distinct from the prior art by way of their dependencies on independent claim 8 and by way of further distinguishing features recited in each respective claim. The various features recited in the foregoing dependent claims all relate to *operational servicing* of the diagnostic system *rather than the patient diagnosis*.

As discussed above, Applicants believe claims 1-4, 6, 8 and 11-13 to be patentably distinct from Jago et al. for various unique claim recitations, such as the “service requests for operational servicing of medical diagnostic apparatus.” For these reasons, Applicants respectfully request that the Examiner withdraw the rejection of the foregoing claims under 35 U.S.C. § 102(e).

**Rejections Under 35 U.S.C. § 103**

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jago et al. (US 5,938,607). Claims 7, 22 and 27-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jago as applied to claim 1, and what was well known in the art. Claims 9-10, 14-17, 19, 36-37 and 40-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jago as applied to claim 1, and Pinsky et al. (US 5,655,084). Claims 18, 26, 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jago-Pinsky as applied to claim 17, and was well known in the art. Claims 20-21 were rejected under 35 U.S.C. §102(a) as being anticipated by Jago-Pinsky as applied to claim 15, and further in view of Elliott et al (US 4,853,946). Claims 23-25 and 29-35 were rejected under 35 U.S.C. §103(a) as being anticipated by Jago and well known art (Jago) as applied to claim 22, and further in view of Elliott et al. (US 4,853,946).

As discussed in detail below, the references cited by the Examiner do not teach or suggest, alone or in combination, the unique features recited in the foregoing claims, including *service requests* and other communications for *operational servicing of diagnostic systems*. Applicants also respectfully request the Examiner to cite specific passages to support the elements allegedly *suggested* by the cited references and, also, to provide support under M.P.E.P. § 2144.03 for all of the Examiner’s assertions of what is “*well known in the art.*” The Applicants also respectfully stress that it is *improper* to use the recited claims as a simple recipe book for *picking and choosing* the elements from the prior art. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

#### **Claim 5**

As noted above, claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jago et al. (US 5,938,607). The Examiner specifically acknowledged that the Jago et al. reference fails to disclose a field service unit, but argued that Jago et al. disclose a diagnostic apparatus capable of being located remotely from a service facility.

The Applicants first stress that claim 5 depends from independent claim 1, which is patentably distinct from Jago et al. on its own merits. Jago et al. are absolutely devoid of any teaching or suggestion of "a service request for operational servicing of the

diagnostic apparatus,” as recited in independent claim 1 and discussed above in detail. Applicants further stress that the reference image library 400 and the hospital information system or radiology information system 500 are not equivalent or suggestive of a service facility, as recited in independent claim 1. Jago et al. provide the systems 400 and 500 for cataloging and referencing *patient exam records rather than for operational servicing of diagnostic systems*. Col. 9, line 49 – Col. 10, line 15. Accordingly, claim 5 is believed to be patentable over Jago et al. by way of its dependency on claim 1.

Regarding the further distinguishing features recited in claim 5, the Jago et al. reference discloses remote patient diagnosis rather than a *field service unit* associated with *operational servicing* via *service requests* and other communications, as recited in claims 1 and 5. Col. 7, lines 63-66. In fact, the Jago et al. reference is absolutely devoid of any teaching or suggestion of a field service unit and it would not be obvious to incorporate a field service unit with the teachings of Jago et al., because Jago et al. teach patient diagnosis rather than *operational servicing*. Accordingly, claim 5 is believed to be patentable over the Jago et al. reference. The remaining references, taken alone or in combination with Jago et al., also fail to teach or suggest the unique features recited in claim 5.

For these reasons, the Applicants respectfully request the Examiner to withdraw the rejection of claim 5 under 35 U.S.C. § 103.

**Claims 7, 22 and 27-28:**

As noted above, claims 7, 22 and 27-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jago as applied to claim 1, and what was well known in the art.

The Applicants first stress that claim 7 depends from independent claim 1, which is patentably distinct from Jago et al. on its own merits. Jago et al. are absolutely devoid

of any teaching or suggestion of "a service request for operational servicing of the diagnostic apparatus," as recited in independent claim 1 and discussed above in detail.

Regarding the specific recitations of claim 7, the Examiner stated:

Claim 7, Jago discloses the invention substantially as discussed. Jago fails to teach the service facility (400 and 500, Hospital, fig.2) includes scheduling service of the diagnostic system (physician schedules, Col.10, lines 43-51) in response to the service request (sending image to remote physician, Col.7, lines).

Jago does not explicitly disclose a scheduling circuit. Official Notice (see MPEP §2144.03 Reliance on "Well Known" Prior Art) is taken that circuit or software for scheduling event were old and well known in the art. They were commonly used in various data communication environment including in conventional graphic user interface program such as Microsoft Window, Internet Explorer or Netscape. Paper No. 3, pp. 5-6.

Essentially, the Examiner has taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being "well-known" in the art. Therefore, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Jago et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 7, as discussed above, or withdraw the rejection.



Regarding independent claim 22, the Examiner took further official notice, stating:

Claim 22, Jago discloses the invention substantially as described in claim 1. It the service facility automatically acknowledging(*sic*). Official Notice (see MPEP §2144.03 Reliance on "Well Known" Prior Art) is taken that automatically acknowledging technique was well known in the art. The technique has commonly been utilized in several fields of data communication, such as TCP protocol, Hand Shake signal, or E-Mail auto reply, and etc. Paper No. 3, page 6.

Apparently, the Examiner recognizes that Jago et al. do not teach or suggest "acknowledging receipt of the service request automatically by the service facility via an electronic message to the medical diagnostic system," as recited in claim 22. In accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Jago et al. reference, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 22, as discussed above, or withdraw the rejection.

Applicants further stress that Jago et al. do not teach or suggest "a service request for operational servicing of the medical diagnostic system," as recited in claim 22 and discussed in detail above. Moreover, the recited feature of "acknowledging receipt of the service request automatically" is patentably distinct by way of its association with the foregoing feature of operational servicing based on a service request. Accordingly, claim 22 is believed to be patentably distinct from the Jago et al. reference and the other references cited by the Examiner.

Claims 27 and 28 are believed to be patentable over Jago et al. by way of their dependencies on independent claim 22 and by way of further distinguishing features recited in the respective claims. Applicants further stress that the remaining references cited by the Examiner, including Pinsky et al., do not teach or suggest, alone or in combination, the unique features recited in the present claims. For example, the Pinsky et al. reference discloses *medical interpretations* of radiological images *rather than service requests and operational servicing* of medical diagnostic systems, as recited in the present claims. Col. 1, lines 10-16 and 44-47. Again, the references cited by the Examiner are limited to patient exams and patient diagnosis.

Accordingly, claims 7, 22 and 27-28 are believed to be patentable over the Jago et al. reference and that which is allegedly "well known in the art." The remaining references, taken alone or in combination with Jago et al., also fail to teach or suggest the unique features recited in the foregoing claims. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 7, 22 and 27-28 under 35 U.S.C. § 103.

**Claims 9-10, 14-17, 19, 36-37 and 40-44:**

As noted above, claims 9-10, 14-17, 19, 36-37 and 40-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jago as applied to claim 1, and Pinsky et al. (US 5,655,084).

Claims 9-10 and 14 depend from independent claim 8, which recites a variety of patently distinct features such as "service requests for operational servicing of the diagnostic system." As discussed in detail above, the references cited by the Examiner are absolutely devoid of any teaching or suggestion of service requests or operational servicing of diagnostic systems. Jago et al. and Pinsky et al. both teach techniques for *diagnosing and treating patients rather than operational servicing* techniques for medical

diagnostic systems. Moreover, the multiple diagnostic systems and multiple modalities recited in the present claims are recited in context of *operational servicing* of the various diagnostic systems. Accordingly, the foregoing claims are believed to be patentable over the references cited by the Examiner.

Claims 16-17 and 19 depend from independent claim 15, which is believed to be patently distinct from the references cited by the Examiner for reasons similar to those discussed above. For example, independent claim 15 recites "a service server for accessing data representative of a serviceable operational condition" for first and second medical diagnostic stations and "a service facility" that exchanges "operational service data with the first and second stations." As discussed above, the Jago et al. and Pinsky et al. references are absolutely devoid of any teaching or suggestion of operational servicing, particularly relating to medical diagnostic stations. In fact, the references cited by the Examiner, taken alone or in combination, all fail to teach or suggest features for "interactively exchanging operational service data," as recited in claim 15. The teachings of Jago et al. and Pinsky et al. are limited to patient diagnosis and treatment. Moreover, the multiple modalities, the operator interface, and the data prompt features recited in dependent claims 16, 17 and 19, respectively, are also absent from, and not suggested by, the Jago et al. and Pinsky et al. references. These features also relate to operational servicing rather than patient treatment. Accordingly, the foregoing claims are believed to be patentable over the references cited by the Examiner.

Claims 37 and 40-44 depend from independent claim 36, which is believed to be patently distinct from the references cited by the Examiner for reasons similar to those discussed above. Independent claim 36 recites generating first and second *service request messages* for *operational servicing* of first and second diagnostic systems of first and second modalities, respectively. Claim 36 further recites transmitting *acknowledgment messages* in response to the service request messages. As discussed in detail above, the

Jago et al. and Pinsky et al. references are limited to patient treatment techniques rather than operational servicing techniques for diagnostic systems. In fact, the references cited by the Examiner, taken alone or in combination, are absolutely devoid of any teaching or suggestion of "service request messages" or "acknowledgment messages" associated with *operational servicing of diagnostic systems*, as recited in claim 36. The multiple modalities, the operational parameter data, the operational service data, the configuration parameter data, the operator instructions, and the multiple service facilities recited by dependent claims 37 and 40-44, respectively, further distinguish the present claims over the references cited by the Examiner. The features recited in these dependent claims are all associated with service requests and acknowledgment messages for operational servicing of diagnostic systems. The references cited by the Examiner are absolutely devoid of these features.

Accordingly, claims 9-10, 14-17, 19, 36-37 and 40-44 are believed to be patentable over the Jago et al. and Pinsky et al. references. The remaining references, taken alone or in combination with Jago et al. and Pinsky et al., also fail to teach or suggest the unique features recited in the foregoing claims. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejection of claims 9-10, 14-17, 19, 36-37 and 40-44 under 35 U.S.C. § 103.

**Claims 18, 26, 38 and 39:**

As noted above, claims 18, 26, 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jago-Pinsky as applied to claim 17, and was well known in the art.

Claim 18 depends from independent claim 15, which is believed to be patentable over the references cited for the reasons discussed above. Claim 18 further recites an "acknowledgment message" in response to the service request recited in independent

claim 15. As discussed above, the references cited by the Examiner are absolutely devoid of service requests and acknowledgment messages associated with operational servicing of medical diagnostic systems. Regarding claim 18, the Examiner acknowledged this deficiency by stating:

Claim 18, Jago-Pinsky discloses the invention substantially as described in claim 17. It does not explicitly disclose transmit an acknowledgment message. Official Notice (see MPEP §2144.03 Reliance on "Well Known" Prior Art) is taken that sending acknowledge was well known in the art. The feature has been commonly utilized in several fields of data communication, such as TCP protocol, Hand Shake signal, E-Mail, and etc. Paper No. 3, page 9.

As noted above, in accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Jago et al. and Pinsky et al. references, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 18, as discussed above, or withdraw the rejection.

Regarding claim 26, Applicants stress again that independent claim 22 and its corresponding dependent claim 26 recites various patently distinct features, including a *service request* and an *electronic message* associated with *operational servicing* of the medical diagnostic system. The Examiner specifically rejected claim 26, stating:

Claim 26 Jago and well-known art discloses the invention substantially as described in claim 22, but fails to include type and identification of the system. However, Pinsky teaches several modality types (Col. 2, lines 25-32). Paper No. 3, page 10.

Applicants traverse the foregoing arguments and respectfully stress that Jago et al. and Pinsky et al. both fail to teach or suggest any *transmission* of data representative of a *medical diagnostic system type and identification*, as recited in claim 26. The foregoing references are both directed toward patient exams and records rather than operational servicing of the diagnostic apparatus. Providing multiple modality types does not suggest any sort of data transmission of characteristics of such systems. Moreover, the data stored by systems 400 and 500 of the Jago et al. system relates to patient examination records rather than operational servicing of diagnostic systems. Col. 9, line 49 – Col. 10 line 15. Accordingly, claim 26 is believed to be patentable over the references cited by the Examiner.

Regarding claim 38, which depends from independent claim 36, the Examiner summarily stated "Claim 38 is a method claim corresponding to the system in claim 18." As discussed above with reference to claim 18, Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice in accordance with M.P.E.P. § 2144.03. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Jago et al. and Pinsky et al. references, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 38, as discussed above, or withdraw the rejection. Applicants further point out the dependency of claim 38 on independent claim 36, which is patentably distinct from the references cited by the Examiner for the reasons discussed above. Accordingly, claim 38 is believed to be patentable over the references cited by the Examiner.

Regarding claim 39, which depends from independent claim 36, the Examiner summarily stated:

Claim 39 Jago-Pinsky discloses the invention substantially as described in claim 36, but does not disclose the service request messages include data uniquely identifying.

Official Notice (see MPEP §2144.03 Reliance on "Well Known" Prior Art) is taken that unique identifier was well known in the art and commonly used in network communication. Paper No. 3, page 10.

As discussed above with reference to claim 38, Applicants believe claim 39 to be patentable over the references cited by the Examiner by way of its dependency on independent claim 36 and by its recitation of further distinguishing features, such as "data uniquely identifying the respective diagnostic system." Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice in accordance with M.P.E.P. § 2144.03. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the Jago et al. and Pinsky et al. references, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claim 39, as discussed above, or withdraw the rejection.

Accordingly, claims 18, 26, 38 and 39 are believed to be patentable over the Jago et al. and Pinsky et al. references and that which is allegedly "well known in the art." The remaining references, taken alone or in combination with the foregoing references, also fail to teach or suggest the unique features recited in the foregoing claims. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejection of claims 18, 26, 38 and 39 under 35 U.S.C. § 103.

**Claims 20-21:**

Claims 20-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Jago-Pinsky as applied to claim 15, and further in view of Elliott et al (US 4,853,946). Applicants request clarification of the foregoing rejection, which appears to be an improperly formulated rejection under 35 U.S.C. § 102(e) rather than a properly formulated rejection under 35 U.S.C. § 103(a).

In either case, Applicants stress the dependency of claims 20-21 on independent claim 15, which is believed to be patentable over the foregoing references for the reasons provided above. The foregoing references absolutely fail to teach or suggest, alone or in combination, a service facility having "a server for interactively exchanging operational service data with the first and second stations," as recited in the base claim 15. In claim 20, the "operational malfunction" is recited in context of these interactive exchange features for *operational servicing*.

Accordingly, claims 20-21 are believed to be patentable over the Jago et al., Pinsky et al. and Elliott et al. references. The remaining references, taken alone or in combination with the foregoing references, also fail to teach or suggest the unique features recited in the foregoing claims. For these reasons, Applicants respectfully request that the Examiner withdraw the rejection of the foregoing claims under 35 U.S.C. § 102(e).

**Claims 23-25 and 29-35:**

As noted above, claims 23-25 and 29-35 were rejected under 35 U.S.C. §103(a) as being anticipated by Jago and well known art (Jago) as applied to claim 22, and further in view of Elliott et al. (US 4,853,946).



Claims 23-25 are believed to be patentable over the foregoing references by way of their dependencies on independent claim 22 and by way of further distinguishing features of the respective claims. For example, as discussed above, the foregoing references do not teach or suggest, alone or in combination, the act of originating a *service request for operational servicing* of the medical diagnostic system, as recited in claim 22. Accordingly, the foregoing claims are believed to be patentable over the references cited by the Examiner.

Claims 30-35 depend from independent claim 29, which recited various communications associated with "a service message relating to operational servicing of the medical diagnostic system." As discussed above, the references cited by the Examiner do not teach or suggest, alone or in combination, any sort of communications relating to *operational servicing of medical diagnostic systems*. Regarding dependent claims 32, 33 and 35, the Examiner took Official Notice that the respectively recited features of automatically accessing electronic records, a subscriber status, and automatically linking are allegedly well known in the art.

In accordance with M.P.E.P. § 2144.03, the Applicants hereby seasonably traverse and challenge the Examiner's use of Official Notice. Specifically, the Applicants respectfully request that the Examiner produce evidence in support of the Examiner's position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the foregoing references, the Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly "well known" elements of the recited claims 32, 33 and 35, as discussed above, or withdraw the rejections.

Accordingly, claims 23-25 and 29-35 are believed to be patentable over the Jago et al. and Elliott et al. references. The remaining references, taken alone or in combination with the foregoing references, also fail to teach or suggest the unique features recited in the foregoing claims. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejection of claims 23-25 and 29-35 under 35 U.S.C. § 103.

**Attachment**

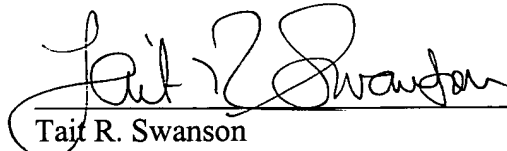
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

**Conclusion**

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: November 30, 2001

  
\_\_\_\_\_  
Tai R. Swanson  
Registration No. 48,226  
FLETCHER, YODER & VAN SOMEREN  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Please amend claims 1, 4, 7-8, 13, 15, 17-24, 26, 28-29, 32-36, and 40-43 as follows:

1. (Amended) A system for servicing a medical diagnostic apparatus, the system comprising:

a diagnostic apparatus including a service server for originating a service request for operational servicing of the diagnostic apparatus and a network communications module for transmitting the service request;

a service facility remote from the diagnostic apparatus, the service facility including a network server for receiving the service request and exchanging data with the diagnostic apparatus in response to the service request.

4. (Amended) The system of claim 1, wherein the ~~service~~-data includes data representative of a diagnostic apparatus type and location.

7. (Amended) The system of claim 1, wherein the service facility includes a scheduling circuit for scheduling operational service of the diagnostic system in response to the service request.

8. (Amended) An apparatus for providing service to medical diagnostic systems, the apparatus comprising:

a plurality of medical diagnostic systems, each diagnostic system including a diagnostic station, a station interface for accessing data from the station, an operator interface for initiating service requests for operational servicing of the diagnostic system, and communications circuitry for transmitting and receiving data; and

a service facility linked to the plurality of medical diagnostic systems via a network, the service facility including a server for transmitting data to and receiving data from the plurality of medical diagnostic systems via the network.

13. (Amended) The apparatus of claim 8, wherein each diagnostic system includes a memory circuit for storing log data representative of serviceable operational conditions occurring in the diagnostic system, and wherein the communications circuitry is coupled to memory circuit and transmits the log data to the service facility.

15. (Amended) A system for remotely servicing medical diagnostic equipment, the system comprising:

a first medical diagnostic station of a first modality, the first medical diagnostic station including a service server for accessing data representative of a serviceable operational condition of the first station;

a second medical diagnostic station of a second modality different from the first modality, the second medical diagnostic station including a service server for accessing data representative of a serviceable operational condition of the second station;

a service facility remote from the first and second stations, the service facility including a server for interactively exchanging operational service data with the first and the second stations.

17. (Amended) The system of claim 15, wherein the first and second stations each include an operator interface for initiating a service request for operational servicing of the respective station and a communications circuit for transmitting the service request to the service facility.

18. (Amended) The system of claim 17, wherein the service facility server is configured to transmit an acknowledgment message to the first or the second station in response to a the service request from the respective station.

19. (Amended) The system of claim 17, wherein the service facility server is configured to prompt data representative of a serviceable operational condition in response to a the service request from the first ~~of~~ or the second station, and wherein the first and the second stations are configured to transmit the data representative of the serviceable operational condition in response to the prompt.

20. (Amended) The system of claim 15, wherein the serviceable operational condition includes an operational malfunction in an imaging sequence in the first or the second station.

21. (Amended) The system of claim 15, wherein the serviceable operational condition includes a request for operator useable information.

22. (Amended) A method for providing remote service to a medical diagnostic system, the method comprising the steps of:

originating a service request for operational servicing of the medical diagnostic system via a user interface in the medical diagnostic system ~~via a user interface~~;

transmitting the service request to a service facility via a network connection;

acknowledging receipt of the service request automatically by the service facility via an electronic message to the medical diagnostic system.

23. (Amended) The method of claim 22, comprising the further step of transmitting operational data from the medical diagnostic system to the service facility representative of a potential operational malfunction of the medical diagnostic system.

24. (Amended) The method of claim 23, wherein the operational data is transmitted from the medical diagnostic system to the service facility in response to a prompt by the service facility.

26. (Amended) The method of claim 22, comprising the further step of transmitting from the medical diagnostic system data representative of the medical diagnostic system type and identification.

28. (Amended) The method of claim 22, comprising the further step of displaying a visual indicia at the medical diagnostic system indicating receipt of the electronic ~~acknowledgment~~ message from the service facility.

29. (Amended) A method for exchanging service data between a plurality of medical diagnostic systems and a central service facility, the method comprising the steps of:

composing a service message on a medical diagnostic system, the service message relating to operational servicing of the medical diagnostic system;

linking the medical diagnostic system to a remote service facility via a network connection;

transmitting the service message from the medical diagnostic system to the remote service facility for remote operational servicing of the medical diagnostic system; and

automatically replying to the service message by the service facility to the medical diagnostic system via a return electronic message.

32. (Amended) The method of claim 31, comprising the further step of automatically accessing electronic records relating to the medical diagnostic system by the service facility in response to the service message.

33. (Amended) The method of claim 32, wherein the electronic records include data representative of an operational service subscriber status of the medical diagnostic system.

34. (Amended) The method of claim 32, wherein the electronic records include data representative of operational service history for the medical diagnostic system.

35. (Amended) The method of claim 29, comprising the further steps of:  
determining at the service ~~center~~ facility log data required to reply to the service message;

automatically linking the service facility to the medical diagnostic system via a network connection; and

transmitting the log data from the medical diagnostic system to the service facility~~center~~.

36. (Amended) A method for servicing a plurality of medical diagnostic systems, the method comprising the steps of:

generating a first service request message in a first diagnostic system of a first modality for operational servicing of the first diagnostic system;

generating a second service request message in a second diagnostic system of a second modality different from the first modality for operational servicing of the second diagnostic system;

transmitting the first and second service request messages to a service facility remote from the first and the second diagnostic systems; and

transmitting ~~an~~ acknowledgment messages from the service facility to the first and second diagnostic system in response to the first and second service request messages.

40. (Amended) The method of claim 36, comprising the further steps of:  
establishing a network link between the service facility and the first and ~~the~~ second  
diagnostic systems; and  
transmitting operational parameter data from the first and second diagnostic systems  
to the service facility, the operational parameter data including information indicative of a  
serviceable operational condition.

41. (Amended) The method of claim 36, comprising the further steps of:  
establishing a network link between the service facility and the first and second  
diagnostic systems, and  
transmitting operational service data from the service facility to the first and second  
diagnostic systems in response to the first and second service request messages.

42. (Amended) The method of claim 41, wherein the operational service data  
includes configuration parameter data for the respective diagnostic system.

43. (Amended) The method of claim 41, wherein the operational service data  
includes operator instructions adapted to the respective modality of the respective  
diagnostic system.